

SB3075



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3075

Introduced 2/7/2014, by Sen. John G. Mulroe

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-305

Amends the Juvenile Court Act of 1987. Provides that a non-judicial probation adjustment plan includes any appropriate action with the concurrence of the school district where the minor resides.

LRB098 19551 RLC 54737 b

A BILL FOR

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 5-305 as follows:

6 (705 ILCS 405/5-305)

7 Sec. 5-305. Probation adjustment.

8 (1) The court may authorize the probation officer to confer
9 in a preliminary conference with a minor who is alleged to have
10 committed an offense, his or her parent, guardian or legal
11 custodian, the victim, the juvenile police officer, the State's
12 Attorney, and other interested persons concerning the
13 advisability of filing a petition under Section 5-520, with a
14 view to adjusting suitable cases without the filing of a
15 petition as provided for in this Article, the probation officer
16 should schedule a conference promptly except when the State's
17 Attorney insists on court action or when the minor has
18 indicated that he or she will demand a judicial hearing and
19 will not comply with a probation adjustment.

20 (1-b) In any case of a minor who is in custody, the holding
21 of a probation adjustment conference does not operate to
22 prolong temporary custody beyond the period permitted by
23 Section 5-415.

1 (2) This Section does not authorize any probation officer
2 to compel any person to appear at any conference, produce any
3 papers, or visit any place.

4 (3) No statement made during a preliminary conference in
5 regard to the offense that is the subject of the conference may
6 be admitted into evidence at an adjudicatory hearing or at any
7 proceeding against the minor under the criminal laws of this
8 State prior to his or her conviction under those laws.

9 (4) When a probation adjustment is appropriate, the
10 probation officer shall promptly formulate a written,
11 non-judicial adjustment plan following the initial conference.

12 (5) Non-judicial probation adjustment plans include but
13 are not limited to the following:

14 (a) up to 6 months informal supervision within the
15 family;

16 (b) up to 12 months informal supervision with a
17 probation officer involved which may include any
18 conditions of probation provided in Section 5-715;

19 (c) up to 6 months informal supervision with release to
20 a person other than a parent;

21 (d) referral to special educational, counseling, or
22 other rehabilitative social or educational programs;

23 (e) referral to residential treatment programs;

24 (f) participation in a public or community service
25 program or activity; ~~and~~

26 (f-5) any appropriate action with the concurrence of

1 the school district where the minor resides; and

2 (g) any other appropriate action with the consent of
3 the minor and a parent.

4 (6) The factors to be considered by the probation officer
5 in formulating a non-judicial probation adjustment plan shall
6 be the same as those limited in subsection (4) of Section
7 5-405.

8 (7) Beginning January 1, 2000, the probation officer who
9 imposes a probation adjustment plan shall assure that
10 information about an offense which would constitute a felony if
11 committed by an adult, and may assure that information about a
12 misdemeanor offense, is transmitted to the Department of State
13 Police.

14 (Source: P.A. 92-329, eff. 8-9-01.)